

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA :

-against- : AFFIDAVIT

MOHAMED YUSUF, : 12 Cr. 661(SLT)

Defendant. :
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STATE OF NEW YORK)
) ss.:
COUNTY OF NEW YORK)

MOHAMED YUSUF, being duly sworn, deposes and says:

1. I am the defendant named in the instant Indictment. Thus, I am fully familiar with the facts set forth herein.

2. On August 5, 2012, I was sleeping in a guest house in Djibouti City along with several other people. Very early in the morning several individuals, claiming to be Djiboutian law enforcement personnel, entered the room in which I was sleeping. Some were in uniform and others in civilian clothes. These men ordered everyone in the room to come with them. I complied without attempting to flee or resist. I had not committed any crime in Djibouti and was unaware of the reason I was being seized.

3. After my seizure I was brought outside the building where I was confronted by a large group of armed men. I was placed in a truck and ordered not to look around. After being driven some distance I entered the courtyard of a large official building and I was directed to enter a door inside of which there were several jail cells. We were directed to remove all of our clothes except for our underwear and tee shirts and placed in cells. Officials asked our names and other identifying information and, out of fear, I did not tell them the truth.

4. I was placed in a cell approximately ten feet by twelve feet with five other people. There were no beds or chairs in the cell and no blankets or sheets were provided to the detainees. Our only clothes were the underwear we had been wearing. we were not provided with additional clothes nor were our clothes laundered. The sole source of water was a tap which had only extremely hot water. Fresh air was available only from a small window too high on the wall to reach. The temperature in the cell was always suffocatingly hot. There was only one toilet in the cell that I was forced to use in full view of the other detainees and the guards. In addition, the cell contained biting ants. We were fed almost exclusively beans, bread and rice in small amounts with nothing to drink except hot water.

5. After about four days in the cell with no contact with anyone outside the prison and still not knowing the reason for my detention, I was blindfolded and taken to a room which was very cold. In the room were several Djiboutian officials in plain clothes who did not identify themselves. They began to question me about my nationality and my reason for being in Djibouti. I informed them that I was traveling and did not give them truthful information regarding my nationality or name. They asked me if I had a Swedish passport and I did not answer. I was blindfolded throughout the questioning and then returned to my cell.

6. A few days later I was again brought blindfolded to the same room. This time, after the blindfold was removed, I could see the Djiboutian police or prison officials who were interrogating me. They informed me that they knew I was known as Hudifayah and that I had been had been a member of Al Shabab in Somalia. They began to question me and I did not answer. As a result they began to hit me with their open hands. First they slapped me in the face several times. When I continued to refuse to answer their questions they took a thick cable and hit me in the ribs, chest and legs. They threatened to continue this treatment if I did not tell them the "truth" and threatened to shock me with electrical current and to force a soda bottle into my anus until I "cooperated". I was terrified because the men in the cell with me had warned me that this type of

torture was common in Djibouti, and that they themselves had often heard of or been subjected to its use.

7. After about 2 $\frac{1}{2}$ hours I was again blindfolded to be returned to my cell. As I left I was told that "I was making things harder on myself and that if I do not cooperate I will get more of the same and worse" and that "Things will go bad for me."

8. The following day I was taken blindfolded from my cell to the same room. I was shown several photographs and asked to identify the people depicted. I could identify very few of the people. I was in the room for about 1 $\frac{1}{2}$ hours and then returned to my cell.

9. Approximately ten days passed during which I had no contact with anyone other than those in the cell with me, nor was I charged with any crime. Finally on or about August 24, 2012, I was again blindfolded and taken to a room. On the way to the room my escorts warned me that I had better speak with the Americans or "we will do something bad to you". One of the Djiboutians who had questioned me or was an official in the jail was present in the room as well as an Arab American man and a Caucasian man. I was not read any rights nor was I informed who these people were. I assumed that they were C.I.A. since they had American accents. They asked the same questions the Djiboutians had asked. Because I did not want to be tortured again I answered their questions.

10. On the way back to my cell I asked how much longer I would be held. I was informed that I was not here "because of Djibouti". That I was being held "because of the U.S."

11. I was spoken to by the Americans again on several occasions over the next several weeks. I was never allowed to contact my family, told why I was being held, or allowed to consult with a lawyer. The conditions of my confinement remained the same, although there were now fewer people in my cell. The people who were in my cell blamed me for their continued detention and therefore it was at times a relief to be taken out for questioning.

12. Every time I was questioned by the Americans there was a Djiboutian official in the room. Based on what I had been told by the Djiboutian interrogators earlier I feared that if I did not cooperate I would be tortured again. As a result I spoke with the Americans as I believed they were the only ones who could protect me. On one occasion, due to the conditions under which I was being held I had chest pains, headaches, and dizziness. I was taken to Al-Rahma hospital for treatment and returned to my cell.

13. Several weeks passed during which I saw and spoke with no officials. I had still not been told why I was being held or allowed to speak with my family or an attorney. On or about September 13, 2012, I was brought to a room and interviewed by men who claimed to be from the F.B.I. They claimed that they were beginning a new series of interviews however, they seemed to know all of the information I had provided to the Arab American man and the Caucasian several weeks earlier. I was read some rights and provided a rights form in Swedish which I signed although it was not clear to me what it meant. After reading the rights I was told by one of the agents that I had a right not to speak with them but that they knew what a horrible place this was and that they could only help me if I spoke with them.

14. During every interview conducted in September with the F.B.I., a Djiboutian prison official was in the room. I had been tortured and threatened by Djiboutian officials and knew that when the interview was over I would be sent back into Djiboutian custody. Therefore, out of fear for my own safety, I answered questions I was asked. In particular, when asked questions regarding my treatment I said that it was good although that was not true. I feared that if I told the truth I would be subjected to further abuse. I did not voluntarily waive any rights and any statements I made were not made knowingly, voluntarily, or intelligently.

15. Subsequent to my interrogation by the F.B.I. I was taken to the United States on or about November 14th, 2012. To my knowledge there was no formal proceeding which resulted in my transfer to the U.S.

Mohamed Yusuf
MOHAMED YUSUF

Sworn to before me this
17th day of September, 2014

DAVID STERN
NOTARY PUBLIC

DAVID STERN
Notary Public State of New York
No. 02ST5055181
Qualified in New York County
Commission Expires February 5, 2018